



# House of Representatives

General Assembly

**File No. 160**

February Session, 2004

House Bill No. 5449

*House of Representatives, March 22, 2004*

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING WINE ORDERED WITH HOTEL AND CAFE MEALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-21 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) A hotel permit shall allow the retail sale of alcoholic liquor to be  
4 consumed on the premises of a hotel. The annual fee for a hotel permit  
5 shall be as follows: (1) In towns having a population according to the  
6 last-preceding United States census of not more than ten thousand, one  
7 thousand two hundred dollars, (2) in towns having a population of  
8 more than ten thousand but not more than fifty thousand, one  
9 thousand six hundred dollars, and (3) in towns having a population of  
10 more than fifty thousand, two thousand four hundred dollars.

11 (b) A hotel permit for beer shall allow the retail sale of beer and of  
12 cider not exceeding six per cent of alcohol by volume to be consumed

13 on the premises of a hotel. The annual fee for a hotel permit for beer  
14 shall be two hundred forty dollars.

15 (c) (1) A patron of a dining room, restaurant or other dining facility  
16 in a hotel may remove one unsealed bottle of wine for off-premises  
17 consumption provided the patron has purchased a full course meal  
18 and consumed a portion of the bottle of wine with such meal on the  
19 hotel premises. For purposes of this section, "full course meal" means a  
20 diversified selection of food which ordinarily cannot be consumed  
21 without the use of tableware and which cannot be conveniently  
22 consumed while standing or walking.

23 (2) A partially consumed bottle of wine that is to be removed from  
24 the dining facility premises within the hotel pursuant to this  
25 subsection shall be securely sealed and placed in a bag by the  
26 permittee or permittee's agent or employee prior to removal from such  
27 premises.

28 [(c)] (d) "Hotel" means every building or other structure kept, used,  
29 maintained, advertised or held out to the public to be a place where  
30 food is served at all times when alcoholic liquor is served and where  
31 sleeping accommodations are offered for pay to transient guests,  
32 where, in towns having a population according to the last-preceding  
33 United States census of forty thousand or less, not less than five rooms  
34 are used for the sleeping accommodations of transient guests and food  
35 is served at least five days a week, and where, in towns having a  
36 population according to the last-preceding United States census of  
37 over forty thousand, ten or more rooms are used for the sleeping  
38 accommodations of transient guests and food is served at least seven  
39 days a week and, in any case, having one or more dining rooms where  
40 meals are served to transient guests, such sleeping accommodations  
41 and dining rooms being conducted in the same building or buildings  
42 in connection therewith, and such building or buildings, structure or  
43 structures being provided, in the judgment of the department, with  
44 adequate and sanitary kitchen and dining room equipment and  
45 capacity, and having employed therein such number and kinds of

46 servants and employees as the department may, by regulation,  
47 prescribe for preparing, cooking and serving suitable food for its  
48 guests. Golf facilities and swimming pools within the confines of the  
49 entire property owned by and under the control of the permittee or  
50 backer shall also be considered part of the hotel premises.

51 Sec. 2. Section 30-22a of the general statutes, as amended by section  
52 146 of public act 03-6 of the June 30 special session, is repealed and the  
53 following is substituted in lieu thereof (*Effective October 1, 2004*):

54 (a) A cafe permit shall allow the retail sale of alcoholic liquor to be  
55 consumed on the premises of a cafe. Premises operated under a cafe  
56 permit shall regularly keep food available for sale to its customers for  
57 consumption on the premises. The availability of sandwiches, soups or  
58 other foods, whether fresh, processed, precooked or frozen, shall be  
59 deemed compliance with this requirement. The licensed premises shall  
60 at all times comply with all the regulations of the local department of  
61 health. Nothing herein shall be construed to require that any food be  
62 sold or purchased with any liquor, nor shall any rule, regulation or  
63 standard be promulgated or enforced requiring that the sale of food be  
64 substantial or that the receipts of the business other than from the sale  
65 of liquor equal any set percentage of total receipts from sales made  
66 therein. A cafe permit shall allow, with the prior approval of the  
67 Department of Agriculture and Consumer Protection, alcoholic liquor  
68 to be served at tables in outside areas that are not screened from public  
69 view where permitted by fire, zoning and health regulations. If not  
70 required by fire, zoning or health regulations, a fence or wall enclosing  
71 such outside areas shall not be required by the Department of  
72 Agriculture and Consumer Protection. No fence or wall used to  
73 enclose such outside areas shall be less than thirty inches high. The  
74 annual fee for a cafe permit shall be one thousand seven hundred fifty  
75 dollars.

76 (b) (1) A cafe patron may remove one unsealed bottle of wine for  
77 off-premises consumption provided the patron has purchased a full  
78 course meal and consumed a portion of the wine with such meal on

79 the cafe premises. For purposes of this section, "full course meal"  
 80 means a diversified selection of food which ordinarily cannot be  
 81 consumed without the use of tableware and which cannot be  
 82 conveniently consumed while standing or walking.

83 (2) A partially consumed bottle of wine that is to be removed from  
 84 the premises pursuant to this subsection shall be securely sealed and  
 85 placed in a bag by the permittee or the permittee's agent or employee  
 86 prior to removal from the premises.

87 [(b)] (c) As used in this section, "cafe" means space in a suitable and  
 88 permanent building, kept, used, maintained, advertised and held out  
 89 to the public to be a place where alcoholic liquor and food is served for  
 90 sale at retail for consumption on the premises but which does not  
 91 necessarily serve hot meals; it shall have no sleeping accommodations  
 92 for the public and need not necessarily have a kitchen or dining room  
 93 but shall have employed therein at all times an adequate number of  
 94 employees.

This act shall take effect as follows:	
Section 1	October 1, 2004
Sec. 2	October 1, 2004

**GL**            *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Consumer Protection, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill allows hotel and café patrons to take one open bottle of wine from the premises. Currently there are 89 active hotel liquor licenses and 753 active café liquor licenses in the state. The bill has no fiscal impact on the Department of Consumer Protection.

**OLR Bill Analysis**

HB 5449

***AN ACT CONCERNING WINE ORDERED WITH HOTEL AND CAFE MEAL*****SUMMARY:**

This bill allows hotel and café patrons to take one open bottle of wine from a premises holding a liquor permit under the same conditions that restaurant patrons may do so. The patron must purchase the wine with a full course meal and partially consume it with the meal on the premises. The liquor permittee or an employee must securely seal the bottle and place it in a bag.

A “full course meal” is a diversified selection of food that ordinarily cannot be consumed without using tableware or conveniently consumed while standing or walking.

EFFECTIVE DATE: October 1, 2004

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Report

Yea 19    Nay 0